



Entered on Docket
May 18, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED, IN WHOLE
OR IN PART, UPON INVESTMENT IN
COPPER SAGE COMMERCE CENTER,
LLC LOAN EXCEPT FOR AMOUNTS
DESIGNATED AS "UNREMITTED
PRINCIPAL"**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection Of USACM Trust To
2 Proofs Of Claim Based, In Whole Or In Part, Upon Investment In Copper Sage Commerce
3 Center, LLC Loan Except For Amounts Designated As ‘Unremitted Principal’” [Docket
4 No. 6973] (the “Objection”); with appropriate notice of the Objection having been given;
5 with no response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The amounts listed as “Unremitted Principal” on Exhibit A attached are
9 allowed as general unsecured claims; and
- 10 3. The balance of the claims listed on Exhibit A attached to this Order are
11 disallowed to the extent they are based upon Copper Sage Commerce Center, LLC Loan,
12 an investment that has been repaid in full.
- 13 4. Nothing in this order shall prejudice the USACM Trust to file further
14 objections to any portion of the claims.

15
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (018024)
19 Rob Charles
John Hinderaker
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23 *Attorneys for USACM Liquidating Trust*
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1 APPROVED/DISAPPROVED
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4 By: _____
August Landis
Assistant United States Trustee
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

**COPPER SAGE I LOAN
THIRD OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Claim Amount Relating to Copper Sage Commerce	Amount Scheduled for Unremitted Principal in the Copper Sage Commerce Loan	Approximate Amount Subject to Objection Because it Relates to an Investment in the Copper Sage Commerce
10725-01984	Cynthia Milanowski Trust	c/o Jeffrey R. Sylvester, Esq. Sylvester & Polednak Ltd 7371 Prairie Falcon Rd Ste 120 Las Vegas, NV 89128	\$26,891.23	\$26,813.05	\$0	\$26,813.05
10725-02317	Cynthia Milanowski Trust	c/o Jeffrey R. Sylvester Esq Sylvester & Polednak Ltd 7371 Prairie Falcon Rd Ste 120 Las Vegas, NV 89128	\$26,891.23	\$26,813.05	\$26,038.04	\$775.01
10725-02226	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$4,884,068.70	\$60,261.60	\$0	\$60,261.60
10725-01878	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$10,451.54	Unclear from Proof of Claim	\$0	Unclear from Proof of Claim
10725-01982	USA Commercial Real Estate Group	c/o Jeffrey R. Sylvester Esq. Sylvester & Polednak Ltd 7371 Prairie Falcon Rd Ste 120 Las Vegas, NV 89128	\$10,719.49	\$8,937.69	\$0	\$8,937.69
10725-02318	USA Commercial Real Estate Group	c/o Jeffrey R. Sylvester Esq Sylvester & Polednak Ltd 7371 Prairie Falcon Rd, Ste 120 Las Vegas, NV 89128	\$10,719.49	\$8,937.69	\$8,679.35	\$258.34
10725-02402	Weible 1981 Trust Dtd 6/30/81	Ardis & Dean F Weible Co Ttees 6314 Tara Ave Las Vegas, NV 89146	\$315,193.10	\$80,348.80	\$34,717.39	\$45,631.41
10725-00961	Mazal Yerushalmi	8904 Greensboro Ln Las Vegas Nv 89134-0502	\$314,598.00	\$40,174.40	\$34,717.39	\$5,457.01